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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,285	12/11/2001	William R. Matz	00883DIV1	2327

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EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,285

Applicant(s)

MATZ ET AL.

Examiner

Minh Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date all.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "Antenna System Installation and tuning method", or the like.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following are examples:

a) The scope of claim 1-13 is not clear because beside the installation of the antenna the claim also related to an aligning of an antenna to a satellite (see claim 1, line 5). Therefore, it is not clear whether the aligning associated with the satellite is a part of the antenna installation method.

b) It is not clear whether "an antenna having a feed /LNBF" as recited in line 2 of claim 1 is the same as "an antenna" (in the preamble). Also, provide of a generic terminology for the term "LNBF", such as "low noise block amplifier (LNBF)" is suggested.

c) "television" (claim 1, lines 4) should be changed to: --the television--.

d) It is not known how "a series of tones are emitted from the television speaker . . . are indicative of the alignment of the antenna with the satellite" when there is no

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function association between the antenna, the satellite and/or the set box. It appears that the set box has to receive some type of aligning signals from satellite and the antenna and then base on the connecting data the user have to adjust it some how in order to align the satellite to the antenna.

e) "the satellite"(claim 1, line 5) lacks antecedent basis.

f) "the series tones emitted by the transmitter" (claim 11, lines 1-2) appears to be inconsistent with that as described in claim 1, line 7. Please clarify.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 and 13-14 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaney et al (US 5,561,433).

As applied to claim 1, Chaney et al teach an antenna installation method of affixing the antenna having a feed assembly to a vertically extending mast as shown in (Fig. 1), coupling a set box 17 to a television set 19 (see Fig. 3); operating the set box 17, such that a series of tones are emitted from the television speaker which are indicative of the alignment of the antenna centerline 7A with the satellite 3 (figures 1-3, discussed at col. 3, lines 55-65). Chaney et al do not teach the steps of affixing a speaker to the vertically extending mast, and supporting a transmitter adjacent the

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television speaker. Therefore, it would have been an obvious to have a speaker install at a desired and convenience location as necessary to indicate the proper signal needed for proper adjusting, aligning and/or positioning of the antenna as so to provide a proper reception. Furthermore, it would have been an obvious matter of design choice to choose any desired communication display including audio/visual including a speaker being affixed to the extending mast and the supporting a transmitter adjacent the television speaker as discussed above since applicant has not disclosed that these features are critical, patentably distinguishing features and it appears that the invention would perform equally well with the configuration of the first and second circular arc portions as shown in the prior art reference (see Chaney et al Figs. 2 and 5).

Note that the limitation recites "operating the set box, such that a series of tones are emitted from the television speaker which are indicative of the alignment of the antenna with the satellite" (claim 1, lines 4-5), and "the transmitter transmitting the series of tones emitted by the television speaker to the speaker" (claim 1, lines 7-8) are functional limitations associated with the "set box and the transmitter" which do not further limit the particular antenna installation method (as recited in claim 1, lines 7-8). It appears that the prior art capable of performing the same since it meets the entire element structural associated thereof.

As applied to claims 2 and 3, the use of fastener means (i.e., magnetic or hooks and loops are well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the use of the fastener means as described above for benefit of mounting the speaker to the mast,

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since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability or its application for the intended use as a matter of obvious design choice.

Limitation of claim 4 is also met by Chaney et al (see Fig. 1, depicts a mounting bracket 12 and an associated mast 11).

As applied to claim 5, regarding an antenna is positioned in an elevation orientation and an azimuth. This concept is old and well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to position the antenna in an elevation orientation and an azimuth, since it has been held to be within the general skill of a worker in the art to select a desired position as discussed above on the basis of its suitability and/or its application intended use as a matter of obvious design choice.

Limitations of claims 6-10, and 13-14 are also met for reasons similar to that as discussed above. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust the position of the antenna relative to the satellite by assessing a degree of alignment between them, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

6. Claims 11-12 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaney et al (US 5,561,433) in view of Tilford et al (US 5,915,020).

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Chaney et al do not teach the limitation recited in claims 11 and 12. Tilford et al teach that (see the discussion of tones at col. 10, lines 16-27). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the Tilford's teaching of comparing of indication tones to assist and direct the adjusting of the antenna to the satellite onto the invention of Chaney et al for many known benefits including that as discussed above. The motivation for this combination is discussed at col. 10, lines 24-15 of Tilford et al reference.

Prior Art References

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art references are cited for their teaching of method for installing antenna and aligning antenna to satellite.

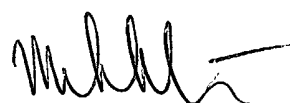
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Minh Trinh
Patent Examiner Group 3729

mt
4/14/2004